

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

3:03CV429-MU

FILED  
CHARLOTTE, N. C.

OCT 5 2005

U. S. DISTRICT COURT  
W. DIST. OF N. C.

CHRISTOPHER PHELPS &  
ASSOCIATES, INC.,

Plaintiff,

vs.

R. WAYNE GALLOWAY,

Defendant.

JUDGMENT

The jury having reached a verdict in this case on September 15, 2005 found as follows:

1) Do you find, by a preponderance of the evidence, that Christopher Phelps & Associates, Inc. has sought relief from this court with "unclean hands"?

Answer "Yes" or "No."

Answer: not answered

2) Do you find, by a preponderance of the evidence, that Christopher Phelps & Associates, Inc. has engaged in copyright misuse?

Answer "Yes" or "No."

Answer: No

3) Do you find, by a preponderance of the evidence, that Christopher Phelps & Associates, Inc. waived its right to assert a copyright infringement claim against Defendant Wayne Galloway?

Answer "Yes" or "No."

Answer: No

4) Do you find, by a preponderance of the evidence that Defendant Wayne Galloway infringed the architectural works copyright of Plaintiff Christopher Phelps & Associates, Inc.?

Answer "Yes" or "No."

Answer: Yes

5) What amount of actual damages, if any, do you find by a preponderance of the evidence that Plaintiff Christopher Phelps & Associates, Inc. suffered as a result of this infringement?

Answer in dollars and cents.

Answer: \$20,000

6) What amount of profits, if any, do you find by a preponderance of the evidence that Defendant Wayne Galloway earned that are attributable to this infringement?

Answer in dollars and cents.

Answer: \$0

7) Do you find, by a preponderance of the evidence, that Christopher Phelps & Associates, Inc. failed to mitigate its damages?

Answer "Yes" or "No."

Answer: not answered

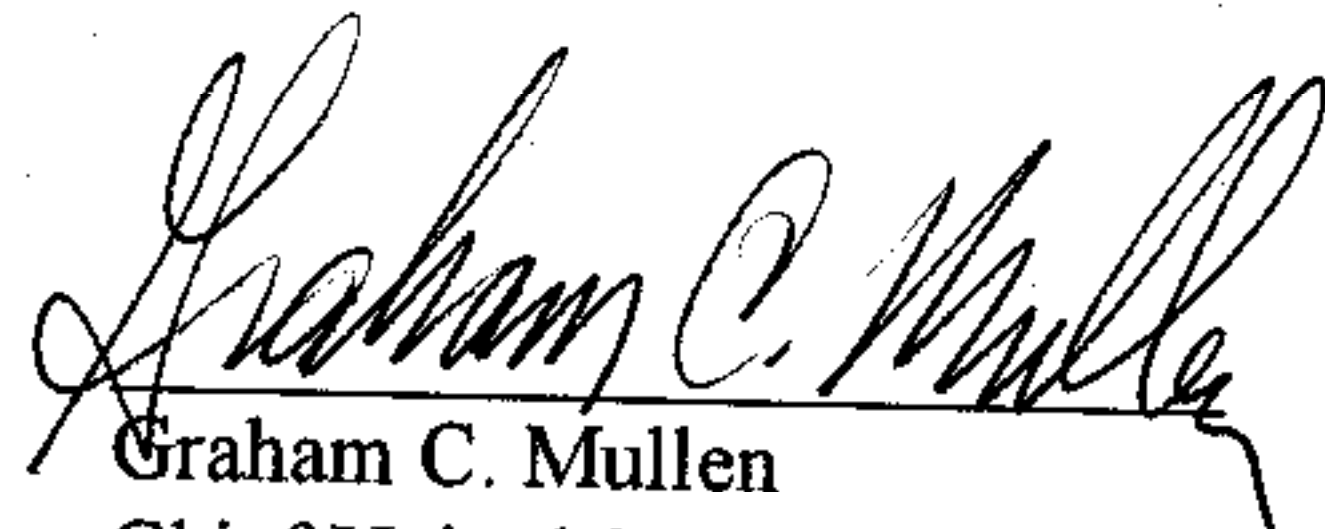
8) If your answer to Issue # 7 is "Yes," in what amount did CPA fail to mitigate?

Answer in dollars and cents.

Answer: not answered

IT IS THEREFORE THE JUDGMENT OF THIS COURT that the Plaintiff have and recover of the Defendant Wayne Galloway the sum of \$20,000.

This the 5<sup>th</sup> day of October, 2005

  
Graham C. Mullen  
Chief United States District Judge